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EXTRAORDINARY

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Revenue (D) Department

NOTIFICATION

LRD. 2. 2225/57/RD. *Dated, Trivandrum, 11th October 1958.*

In exercise of the powers conferred by Section 7 of the Travancore-Cochin Government Land Assignment Act, 1950 (Act XXXIII of 1950) the Government of Kerala hereby make the following Rules for the assignment of Kandukrishy lands, namely:—

Rules for Assignment on Registry of Kandukrishy Lands.

PART I.

1. These rules may be called the 'Kandukrishy Land Assignment Rules, 1958'.

2. They shall come into force at once.

3. *Definitions.*—'Kandukrishy Land' means land covered by the Kandukrishy Proclamation, 1124 (1949) and includes 'Kandukrishy pattom land' and 'Kandukrishy Thanathu land'.

'Pattom' means the pattom for the year immediately preceding 1st October, 1958.

'Pattadar' means holder of Kandukrishy pattom land.

'Lessee' means lessee of Kandukrishy thanathu land.

'Tahsildar' means Taluk Tahsildar and includes an Officer appointed by the Government to execute the powers of a Tahsildar under these Rules.

4. (a) Kandukrishy lands shall be assigned on registry in accordance with the following provisions subject to payment to the Government of compensation equal to 8½ times the pattom in rural areas and 25 times the pattom in Municipal or Corporation areas.

(b) Compensation shall be paid in nine equal annual instalments. The assignees may however pay up the compensation in a lump if they so prefer.

(c) For the purpose of fixing compensation the commutation rate for paddy shall be fixed at Rs. 1·87 per para.

5. (1) Kandukrishy pattom land shall be registered in the name of the original pattadar, or if there has been outright assignment in whole or in part by the pattadar, in the name of the assignee to the extent necessary; or if there has been a partition of the land or inheritance by succession, in the name of the person deriving title as per partition or succession.

(2) Mortgagees or lessees from pattadars of pattom lands or their assignees or representatives will continue to enjoy the existing rights even after assignment.

6. (1) Subject to the provisions of sub-rule (2) Kandukrishy thanathu land shall be registered in the name of the lessee.

(2) Where a lessee has transferred the possession of thanathu land to another person whether by sale, sub-lease, otti, mortgage or any other transaction under a registered document executed before 1st October, 1957, the land shall be registered in the name of such transferee:

Provided that no land, exceeding ten acres in extent, shall be registered under sub-rule (1) or sub-rule (2) in the name of one person:

Provided further, where the thanathu land exceeds ten acres in extent the person entitled to registry under this rule may choose the ten acres of land which is to be registered in his name.

(3) To enable a person for registry the excess over ten acres shall be surrendered.

7. No registry will be sanctioned until the applicant has completely paid up the amount of compensation. In cases where the compensation is paid in instalments, the registry shall be deemed to be completed and patta issued only on payment of entire compensation. The proprietary right on the land shall vest in the Government until the entire compensation is paid.

8. Where any instalment is not paid on the due date interest at 5 per cent per annum shall be charged on the defaulted instalment. If payment of three consecutive instalments are defaulted the conditional order of assignment under Rule 15(b) shall be cancelled and the instalment or instalments already paid shall be forfeited to the Government. Notice of cancellation and forfeiture shall be served on the applicant. The land shall then be disposed of in public auction or otherwise.

9. All lands disposed of under these rules shall be subject to basic tax on completion of the registry. Notwithstanding anything contained in these rules the pattom payable for the lands for the period beginning from 1st April 1958 till the completion of the registry shall be limited to amounts calculated at the rate of basic tax that would have been leviable on such lands during the period. All amounts paid by way of pattom in excess of the basic tax for the period beginning from 1st April 1958 till the completion of registry shall be adjusted towards compensation to be paid to the Government. Arrears of pattom as on 1st April 1958 shall be collected in full.

PART II

10. (a) Application for Assignment of Kandukrishy Land shall be presented to the Tahsildar in whose Taluk the land is situated.

(b) The application shall specify the taluk, village, survey number, extent and applicant's title to or claim over the land.

11. The Tahsildar shall issue a notice in the form 'A' appended calling for claims and objections in respect of registry of the land within 15 days from the date of the notice. The notice shall be published in the Taluk and Village Offices and served on the applicant in the manner prescribed for proceedings under the Revenue Recovery Act for the time being in force.

12 On the expiry of the time limit specified in the notice for filing claims and objections, the Tahsildar shall conduct enquiries in regard to the area and boundaries of the land and the applicant's title over it and also the claims and objections received by him and record his decision thereon.

13. If the land applied for forms part of a Kandukrishi holding for which no subdivision has been effected or separate patta issued, it shall be subdivided in accordance with the survey and subdivision rules. The survey and demarcation charges shall be recovered from the applicant as part of the compensation amount due from him.

14. If the Tahsildar finds the assignment of land unobjectionable, he shall issue an order to the applicant offering registry of the land and fixing the amount of compensation, payable in respect of the land under rule 4. The order shall also specify a period of one month as the time limit within which the applicant shall accept the offer and pay the compensation. The Tahsildar may extend the period specified in the order by periods not exceeding 15 days at a time subject to a total of one month. The order shall be served on the applicant in the manner prescribed for proceedings under the Revenue Recovery Act for the time being in force.

15. (a) On payment of the entire compensation fixed in the preceding rule the Tahsildar shall issue an assignment order and a patta to the applicant.

(b) The applicant shall be directed to execute an agreement in Form 'B' before the Tahsildar for the payment of the balance amount within the specified time. On payment of the first

instalment and execution of the agreement the Tahsildar shall issue conditional assignment order to the applicant. A patta shall be issued by the Tahsildar only after complete payment of the compensation in accordance with the terms of agreement.

16. An appeal shall lie to the District Collector having jurisdiction over the area against the order passed by the Tahsildar within 60 days from the date of the order.

17. The Board of Revenue may for sufficient reason, revise any orders passed or proceedings taken, by a Collector or Tahsildar under the provisions of these Rules, within six months of the date of such order.

By order of the Governor,
K. K. RAMANKUTTY,
Revenue Secretary.

FORM 'A'.

(*See* Rule 11).

NOTICE.

Whereas it is proposed to assign and register.............. acres..............cents of..............................land comprised in survey No.. village..................Taluk, in favour of................ ....notice is hereby given that all persons who may have any claim to the land or objection to the proposed registry should appear before the undersigned within 15 days of the publication of this notice and prefer their objection or claim, if any. Objections or claims made after the expiry of 15 days will not be considered.

Station....................
Date......................

Tahsildar.

FORM 'B'.

(*See* Rule 15).

Articles of Agreement executed on this the................ day of..................one thousand nine hundred and fifty-eight by Sri.................. .... (hereinafter referred to as "the bounden") in favour of the Governor of Kerala (hereinafter called "the Government").

WHEREAS as per the Kandukrishi Land Assignment Rules, 1957 (hereinafter referred to as "the rules") the bounden has applied to the Government for the assignment of the properties mentioned and described in the Schedule hereunder written.

AND WHEREAS the Government have agreed to assign on registry the said properties to the bounden subject to the terms and conditions contained in the Rules and those hereinafter appearing to which the bounden has agreed.

Now these presents witness and it is hereby agreed as follows: —

1. In pursuance of the said agreement and in consideration of the compensation amount of Rs...............which has to be paid as per clause 2 hereof, the Government have agreed that in case the bounden satisfactorily conforms to the terms and conditions contained herein and in the rules, the Government shall assign the properties mentioned and described in the schedule hereto to the bounden.

2. The bounden has remitted a portion of compensation viz. Rs............at the...........treasury as per the chalan receipt No...............date.................. The balance amount of Rs.......................................shall be paid by the bounden in............equal annual instalments of Rs.......... the first instalment being payable on....................and the subsequent instalments shall be paid on the corresponding date of the succeeding years.

Provided however, it shall be competent for the bounden to pay the full amount of the balance compensation of future instalments in a lump at any time before the last instalment.

3. In case the bounden commits breach of all or any of the provisions herein contained or those contained in the Rules, the Government shall have power to enter upon and take possession of the properties mentioned and described in the schedule hereto and dispose of the same in the manner they deem fit; in which case all amounts remitted by the bounden shall be forfeited to the Government and he thereby foregoes all his claims to the said amounts and also to the registry proposed by these presents.

4. In case the bounden observes and performs all the terms and conditions herein contained, the Government shall, when the last instalment provided in clause 2 supra has been paid, proceed to register the properties mentioned and described in the schedule hereto to the bounden.

5. The bounden hereby further agrees that all sums found due to the Government under or by virtue of these presents shall be recoverable from the bounden and his properties movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though they are arrears of land revenue or in such other manner as the Government may deem fit.

In witness whereof Sri.. the bounden has hereunto sets his hands the day and year first above written.

The schedule above referred to

Signed and delivered by
Sri..
the bounden.
In the presence of witnesses :

(1)

(2)

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